IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 150 (S/S)2007

Smt. Asha Pant W/o Sri Ganesh Dutt Pant,
R/o Pant Niwas, House No. 58,
Rai Band, Dharchula Road,
Pithoragarh (Uttarakhand). ------- Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Basic Education,
2. Director, Vidhyalayi Shiksha-Uttarakhand, Dehradun,
3. District Education Officer, Pithoragarh,
4.Addl. District Education Officer (Basic), Pithoragarh,
5. Smt. Hansi Pant, Head Mistress,
   Kanya Poorva Madhyamik Vidhyalaya,
   Vishan (Vin), Pithoragarh. ------ Respondents.

Sri B.S. Adhikari, learned Counsel for the petitioner,
Sri Paresh Tripathi, learned State Counsel for State of Uttarakhand/respondent nos. 1 to 4.
None for respondent no. 5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Adhikari, learned Counsel for the petitioner and Sri Paresh Tripathi, learned Counsel for State of Uttarakhand/respondent nos. 1 to 4. None is present on behalf of respondent no. 5.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. A writ, order or direction in the nature of certiorari by quashing the impugned order dated 09.01.2007 (annexure-8) passed by the respondent no.4,

ii. A writ, order or direction in the nature of mandamus directing the respondent no. 4 to consider the petitioner for her transfer to "Kanya Poorva Madhyamik Vidhyalaya, Vishan (Vin), Pithoragarh, or to any other school nearer to the Pithoragarh City,

iii. To pass any other order or direction which this Hon'ble Court deem fit and proper in the circumstances of the case,

iv. To award cost throughout.

Petitioner has submitted that she is working as Headmistress in Kanya Junior High School, Kimtoli, district Pithoragarh. Being an old lady and having family problems, she time and again requested for her transfer to any suitable place nearer to Pithoragarh City, but no action was taken by the respondents, consequently she constrained to file writ petition bearing no. 1636 (ss)2006 before this Court which was disposed of by this Court on 21st December 2006 with the direction to the respondents to consider her representation sympathetically. In the representation, the petitioner expressed her difficulties which she is facing at present moment and specifically mentioned the School/Institution where she desires to be transferred and the post was vacant, but in the meantime the said post was filled up, consequently the petitioner could not be transferred to her place of choice.

Again the petitioner moved representation before the authorities concerned praying that she may be transferred to any Institution suitable to her, considering her age, ailments and the family problems within the framework of transfer policy adopted by the State Govt.

In the foregoing circumstances, it is expected from the authorities concerned that they will consider the representation moved by the petitioner on 08.05.2007 during the annual arrangements and incase, if she can be accommodated within

the framework of transfer policy framed by the Government, her case may be considered.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

June 14, 2007:
NCM: